

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

FILED IN THE
US BANKRUPTCY COURT
DISTRICT OF WYOMING

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CLERK

GENERAL ORDER 05-02

INTERIM CHAPTER 13 PROCEDURES

Changes to the court's chapter 13 procedures are required to comply with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 applicable to Chapter 13 of Title 11 and effective October 17, 2005. This general order will provide interim procedures pending amendments to the Court's Local Bankruptcy Rules. Local Bankruptcy Rule 3015-3 is abrogated to the extent the procedures are inconsistent with the procedures in this general order.

Effective October 17, 2005, IT IS ORDERED:

Plan Filing: Within the 15-day time limit from the date of the filing of the petition set by Fed. R. Bankr. P. 2015(b), the debtor must file a proposed chapter 13 plan, with a plan summary **attached**. The failure to timely file the plan and summary will result in a dismissal of the Chapter 13 case under Local Bankruptcy Rule 1017-2.

Plan: The debtor may alter Local Bankruptcy Form B (Chapter 13 Plan) and C (Plan Summary) as necessary to comply with the provisions of BAPCPA.

Plan Summary: In lieu of the filing of a plan summary, the debtor may incorporate a chapter 7 liquidation analysis into the debtor's proposed Chapter 13 plan.

Hearing on confirmation: Along with the Notice of Chapter 13 Case Filing, the Clerk of the Bankruptcy Court will serve on all interested parties, the debtor's plan and summary and a Notice of Confirmation Hearing and Opportunity to Object. The debtor must serve any amended or modified chapter 13 plan and summary on all parties in interest, along with a notice of hearing and opportunity to object and a certificate evidencing such service.

If no objection to the proposed chapter 13 plan is timely filed, the Court will independently review the plan and if the debtor is current on plan payments, the Court may confirm the plan prior to the date of the confirmation hearing. If the plan is so confirmed, the Court will not hold the confirmation hearing.

Appearance: The debtor and counsel are required to be present at the confirmation hearing even if the debtor files an amended Chapter 13 plan prior to the hearing, unless excused by the court on motion.

Motions: Prior to filing any motion to vacate a confirmation hearing or to excuse the debtor from attending the confirmation hearing, the debtor must contact all opposing parties. The motion must state the position of opposing parties to the motion. No hearing will be vacated by the withdrawal of or the filing of an amended or modified Chapter 13 plan.

Notice: The notice of an opportunity to object to a proposed chapter 13 plan made subsequent to the initial notice served by the court should be in conformance with Local Bankruptcy Form E.

Dated this 3 day of October, 2005.



Chief Judge Peter J. McNiff

Approved:



Chief Judge William F. Downes

United States District Court, District of Wyoming